



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 7 मई, 1993/17 बैशाख, 1915-

हिमाचल प्रदेश सरकार

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LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 20th April, 1993

No. LSG-A(3)11/88.—The following bye-laws made by the Municipal Committee, Paonta Sahib, District Sirmaur, Himachal Pradesh in exercise of the powers conferred under clause (t) of section 198 read with sub-section (1) of section 213 of the Himachal Pradesh Municipal Act, 1968 (Act No.19 of 1968) and having been confirmed by the President of India, as required under sub-section (1) of section 215 of the aforesaid Act, are hereby published for the general information of the public as required under section 214 of the said Act and they shall come into force with in the limits of the Municipal Committee Paonta Sahib, District Sirmaur, Himachal Pradesh from the date of their publication in the Rajpatra, Himachal Pradesh, namely :—

1. *Short title.*—These bye-laws may be called the Municipal Committee, Paonta Sahib (Regulation and Control of Hand Carts and Cycle Rickshaws) Bye-laws, 1993.

2. *Definitions.*—(1) In these bye-laws unless the context otherwise requires :—

- (i) 'Act' means the Himachal Pradesh Municipal Act, 1968;
- (ii) 'Committee' means the Municipal Committee, Paonta Sahib;
- (iii) 'Child' means a person below 12 years of age;
- (iv) 'Driving' means the pulling of a rickshaw;

- (v) 'driver' means the person who has completed his eighteen years of age and impels or propels a rickshaw;
- (vi) 'licence' means a licence granted under these bye-laws and includes both owners and drivers licence;
- (vii) 'licencing officer' means the officer appointed by the Municipal Committee for granting rickshaw licences;
- (viii) 'rickshaw' means a two wheeled or three wheeled vehicle designed to carry load or passengers or propelled by one or more than one and includes a hand cart.

(2) The words and expression used but not defined in these bye-laws shall have the same meaning as assigned to them in the Act.

3. *Licence to be obtained.*—No person shall keep, drive or propel a rickshaw for hire within the limits of the committee unless appropriate licence has been obtained by him from the committee in accordance with these bye-laws.

4. *Conditions of licence.*—No licence shall be granted for a rickshaw to be plied for hire within the limits of municipality unless it is complete with the following conditions regarding its construction, equipment and maintenance, namely :—

- (a) it is not more than one meter in width over all projections;
- (b) that it is in good order and repaired in all its parts and painted in the manner prescribed by the Committee;
- (c) that it is provided with :—
 - (i) a lamp;
 - (ii) a bell;
 - (iii) rubber tyres prematic tyres, as the case may be;
 - (iv) a hood and cushions; and
 - (v) effective brakes in the case of cycle rickshaw.

5. *Exemption to damaged rickshaw.*—Nothing in these bye-laws shall apply to a rickshaw which has been damaged in an accident or is otherwise defective while being taken to the nearest place of repairs or disposal.

6. No owner of a cycle rickshaw shall be granted licence in respect of his cycle rickshaw unless the cycle rickshaw is to be plied by such owner only for himself.

7. (1) A license in respect of cycle rickshaw may be granted to a widow or to a disabled person to be plied by another person, if this is the only source of her or his livelihood and in such a case it shall be lawful for the licencing officer to grant a driving licence to a person other than the owner of the cycle rickshaw, giving full particulars of the owner and driver engaged to ply it with photograph of the driver.

(2) A license in respect of a cycle rickshaw may also be granted or renewed by a licencing officer to an institution to be plied through any other person, if the institution has to ply it not for hire, but to meet its own requirements of conveyance and transportation and in such case, it shall be lawful for the licencing officer to grant a driving license to a person other than the owner of the cycle rickshaw giving full particulars of the institution and the driver engaged to ply it with photograph of the driver.

8. *Application for licence.*—(a) Application for a licence by the driver shall be made in writing to the licensing officer, and the rickshaw shall be produced for inspection at such place and time as the said Officer may appoint.

(b) An application for a driver's license shall be made in writing to the licensing officer along with a medical certificate as to his age and physical fitness and three copies of 2" X 3" prints of his photographs, with his application or subsequently according to the directions of the licensing officer.

9. *Granting of licence.*—The licences shall be granted in form 'A' and 'B' appended to these bye-laws.

10. *Refusal to grant licence.*—(a) If the applicant does not satisfy the conditions laid down in these bye-laws the licensing officer shall refuse to grant a licence.

(b) The license shall be issued with the following conditions :—

- (1) The age of the applicant shall not be less than 18 years and more than 45 years.
- (2) He shall obtain a certificate as to his age and fitness from the registered medical practitioner.

11. *Appeal.*—The person to whom a licence has been refused may appeal in writing to the Committee against the order within 30 days of the communication of such order. The decision of the Committee shall be final.

12. *License to bear a serial number.*—Each license granted shall bear serial number which shall be painted in English or Hindi at some conspicuous part of the rickshaw.

13. *Photograph of the driver to be affixed on the licence.*—A photograph of the driver bearing the official seal of the Licensing Officer, shall be affixed on his license and a drivers badge shall be given to the licensee containing the number and year of licence.

14. *Transfer of licence.*—No licence, disc, plate, card, badge or ticket granted under these bye-laws shall be transferable.

15. *Limit of load or passengers to be carried by a Rickshaw.*—No Rickshaw shall carry more than :—

- (i) two passengers or plus luggage upto 20 kgs.
- (ii) one adult passenger and two children plus luggage upto 20 kgs.
- (iii) one quintal of luggage where there is no passenger; and
- (iv) Two quintals in case of cart driving by two or more persons.

16. *Joint liability of the owner and driver.*—The owner and the driver shall jointly and severally be liable for any breach of the provisions of bye-laws 4 and 12, unless it is proved that the contravention took place without the knowledge of the other.

17. *Fees for licence.*—The licensing fees shall be on the following scale :—

- (i) owner's license for a cycle rickshaw Rs.15/-.
- (ii) drivers license for a cycle rickshaw Rs.12/-.
- (iii) owner's license for a hand cart Rs.15/-p.a.
- (iv) driver licence for a hand cart. Rs.12/-p.a. and
- (v) owner-cum-driver's licence for Rickshaw/Hand Cart Rs.15/- per annum

Provided that only half the above fee shall be charged for the license granted for the first time after the 1st October in any year.

18. *Renewal of licence.*—Subject to bye-laws 14 every license granted shall expire on the 31st March, next following the date of issue of the license.

19. *Production of licence for inspection.*—Every proprietor of a licensed rickshaw shall produce the license for inspection on such day and time and at such place as may be notified by the Committee for the purpose.

20. *Cancellation of licence*—The licensing officer may by any time revoke or suspend or cancel a licence for a breach of any of the provisions of these bye-laws or the conditions of licence, which appeal will lie to the Committee.

21. *Refusal to grant a licence*—The licensing officer shall have powers to refuse such licence if in his opinion the applicant it not fit to be licenced.

22. *Bar to drive a Rickshaw*—No person shall act as the propeller or driver of a licenced rickshaw unless he has been granted a licence by the licensing officer authorising him to act as such.

23. *Driver to wear clean clothes or uniform*—Every person licensed to drive or propel the rickshaw shall wear clean clothes and shall if so required by the conditions of his licence wear such uniform as shall therein be prescribed.

24. *Driver to wear the badge*—Every person licensed to drive or propel a rickshaw shall wear on his shirt on the front side the metal badge issued by the Municipal Committee.

25. *Fare to be charged*—In the absence of any private agreement to the contrary the fare more than that of prescribed by the Committee shall not be charged.

26. *Production of fitness certificate*—If the licensing officer considers that any driver has become physically unfit, he may cancel his license or suspend it for any specified period or disqualify such person from plying any rickshaw till he produces medical certificate of fitness.

27. *Fares to be fixed by the Committee*—The fares to be charged by the driver of a rickshaw shall be such as may be fixed by the Committee from time to time depicting specific places from and to which the rickshaw is engaged.

28. *Penalty*—(1) Any person who commits a breach of any of these bye-laws shall on conviction by a Magistrate, be punishable with fine which may extend to two hundred and fifty rupees and in the case of a continuing breach, with a further fine which may extend to ten rupees for every day after the first day during which the breach continues and in addition such person may be disqualified for holding a licence under these bye-laws for a period not exceeding three months.

(2) A person in respect of whom any conviction order under sub rule (1) has been passed shall be debarred to the extent and for the period specified in that order, from holding or obtaining a licence and the license, if any, held by such person on the date of the order shall cease to be effective during such period.

FORM 'A'
(Bye-law 9)

Photo of the licensee.

Driver's licence

Municipality

Date

Shri..... is authorised to drive or propel a rickshaw within the Poanta Sahib Municipality from the day..... of..... 199 to the day of..... 199 .

DESCRIPTION OF LICENSEE

Name 1	Father's name 2	Occupation 3	Address 4	Remarks 5
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Signature of Licensing Officer.

CONDITIONS OF LICENCE

1. Every rickshaw shall be maintained in a state of proper repair, cleanliness and fully equipped as required by bye-laws.
2. Every licensed driver shall wear the driver's badge issued to him on his shirt in front side.
3. Every licensed driver shall produce his license and badge whenever required so to do by :—
 - (i) any Magistrate;
 - (ii) licensing officer or any member of the Municipal Committee;
 - (iii) any person hiring a rickshaw; and
 - (iv) any police officer on duty.
4. The driver of any rickshaw under these bye-laws shall not :—
 - (a) permit any unlicensed driver to drive or pull a rickshaw;
 - (b) refuse without reasonable excuse to let the rickshaw on hire;
 - (c) drive a rickshaw in the state of drunkenness, use any insulting, abusive or obscene language or gesture when plying for hire;
 - (d) prevent or attempt to prevent another rickshaw or other conveyance from being hired, or wilfully obstruct or hinder any person from boarding or alighting from any rickshaw or other conveyance;
 - (e) drive a rickshaw which is unlicensed or has not number disc or fare list properly painted or affixed to it or is not in a proper state of repairs;
 - (f) drive or pull a rickshaw beyond the hours prescribed by licensing authority and appearing on the driver's licence;
 - (g) leave a rickshaw without a driver in a public place or on a footpath or road so as to cause obstruction or inconvenience to the traffic;
 - (h) ask for more than the fare appearing on the card affixed to the rickshaw;
 - (i) fail to produce the rickshaw in pursuance of the order of Magistrate or licensing officer;
 - (j) carry on a rickshaw, except with the permission of the licensing officer, a dead body, or any person suffering from any contagious or infection disease and shall not use it again without getting it disinfected to the satisfaction of the Medical Officer of the Committee;
 - (k) keep any soiled clothes or any dirty rage etc. in the rickshaw;
 - (l) drive after lighting time the rickshaw on the street without lights affixed to it at proper places;
 - (m) fail to take any property within 12 hours of its having been left unclaimed in a rickshaw to the nearest police station; and
 - (n) fail to park rickshaw at authorised parking places.
5. Every licensed driver or propeller shall submit himself to a medical examination after every six months and shall maintain a certificate of fitness.

FORM 'B'

(Bye Law 9)

OWNER'S LICENCE

Municipality

Date.....199 .

Shri..... is authorised to keep a rickshaw for hire within the.....
municipality from the day of..... to the day of.....
199 .

DESCRIPTION OF LICENSEE

Name	Father's name	Occupation	Address	Remarks
1	2	3	4	5

Signature of Licensing Officer.

CONDITION OF THE LICENCE

1. Every rickshaw shall be maintained in a state of proper repairs, cleanliness and fully equipped as required by bye-law.

2. Every owner of a rickshaw shall produce his licence whenever required so to do by :—

- (i) any Magistrate;
- (ii) licencing officer or any member of the Municipal Committee or any other person authorised by the Committee in this behalf;
- (iii) any person hiring rickshaw; and
- (iv) any police officer on duty;

3. The owner of any rickshaw licensed under these bye-laws shall not :—

- (a) employ or permit an unlicensed driver to drive or pull a rickshaw;
- (b) employ any driver who is suffering from a contagious or infection disease or is otherwise ill;
- (c) refuse without good excuse to let the rickshaw on hire;
- (d) prevent or attempt to prevent another rickshaw or other conveyance from being hired or willfully obstruct any person from boarding from any rickshaw or other conveyance.
- (e) leave a rickshaw without a driver in public place or on a footpath or road so as to cause obstruction or inconvenience to the traffic.
- (f) ask for more than the fare appearing on the card affixed to the rickshaw;
- (g) fail to produce the rickshaw or the driver of any rickshaw in pursuance of the order of a Magistrate or the Licencing Officer;
- (h) having become aware that the driver has carried in a rickshaw any person suffering from contagious disease or dead body, fail to notify the fact to the Medical Officer of the Committee or the Licencing Officer or other person authorised by the Committee in this behalf to receive such notice .
- (i) keep any soiled clothes or any dirty rags etc. in the rickshaw;
- (j) neglect to comply with any order which the licencing officer may pass regarding the repairs or painting of rickshaw; and
- (k) fail to park rickshaws at authorised parking places.

By order,

S. S. SIDHU,

Financial Commissioner-cum-Secretary (LSG).